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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,724	10/03/2005	Trevor Poulter	926512-100535	6054

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EXAMINER

CHAUDRY, ATIF H

ART UNIT	PAPER NUMBER
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4156

MAIL DATE	DELIVERY MODE
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11/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,724	Applicant(s) POULTER, TREVOR	
	Examiner Atif H. Chaudry	Art Unit 4156	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/03/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: Line 2 should read "at least two fluids". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 5, 6, 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Regarding claim 5, the recitation of "the outlet end of a dispensing nozzle" in line 3 lacks antecedent basis.
5. Claims 6, 7 and 8 are indefinite as being dependent on claim 5.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 1, 2, 3, 4, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poulter (US Patent 7188771) further in view of Burns (US 5420797) and Hill (US Patent 6244287).
8. Regarding claim 1, Poulter discloses a mobile storage container having at least two compartments, for use in transporting at least two fluids from main storage tanks to subsidiary storage tanks (Abstract lines 1 thru 4). However, it discloses multiple flow paths for different fluid compartments instead of a single flow path and does not disclose means to clear the flow path. Burns (fig 5) teaches a single flow path for different fluid compartments. It would have been obvious to a person having ordinary skill in the art to replace multiple flow paths disclosed by Poulter with a single flow path as taught by Burns because the technique for improving/simplifying the flow system was part of the ordinary capabilities of a person of ordinary skill and would have yielded predictable result with a reasonable expectation of success.

. Hill (Abstract lines 3-6) teaches a system and method to monitor and automatically purge liquid that collects in the pipes during fluid transit. It would have been obvious to one with ordinary skill in the art to apply the known system/method for monitoring and purging liquid in the dynamic system of Poulter because the combined elements merely would have performed the same function as it did separately and the results of the combination would yield predictable results.

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8. Regarding claim 2 (dependent), Hill (column 7, lines 51-53) teaches that the method of purging the flow lines of fluid can be compressed air.
9. Regarding claim 3 (dependent), Hill (fig 2, Item 22) teaches an Air supply, which would inherently comprise a gas tank.
10. Regarding claim 4 (dependent), Hill (column 4 line 1) teaches a method or returning the purges fluid from the flow path to the container.
11. Regarding claim 5 (dependent), which discloses a means (i.e. flow meters) to monitor the fluid. Such monitoring takes into account the quantity of fluid being returned to the fluid tank. The claim would have been obvious to a person of ordinary skills in the art at the time of invention because the steps of monitoring the flow via flow meter inherently possesses the means for determining fluid quantities at various portion of the fluid system. Inherently, having flow meters at the discharge of the tank and at the return path would allow one to the monitor the flow from the tank and the actual flow out of the system buy subtracting the fluid flow determined by the flow monitor on the return path as a known capability and technique available to one skilled in the art.
12. Claim 9 (dependent) rejected as Poulter (column 1, lines 36-40 and 49-50) discloses an electronic control means for controlling the system flow and for authorization of flow commencement.
- 13.** Claim 10 (dependent) rejected as Poulter (column 4, line 42) teaches a tanker vehicle for the apparatus.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Atif H. Chaudry whose telephone number is 571-270-3768. The examiner can normally be reached on Mon-Fri Alternate Friday off 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Isabella can be reached on 571-272-4749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ATIF CHAUDRY
PATENT EXAMINER

/DAVID J ISABELLA/

Supervisory Patent Examiner, Art Unit 4156